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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Response to Arguments

1. The amendments to the claims filed June 17, 2008 will not be entered because they raise new issues that were not previously examined and would require further consideration for patentability.
2. Applicant's arguments filed June 17, 2008 have been fully considered but they are not persuasive.
 - a. Appearing in the second paragraph of page 6 in the response filed June 17, 2008, applicant request where the examiner has taken Official Notice, an affidavit should be filed to support the Official Notice taken. However, applicant does not point out where Official Notice has been taken and upon review of the Office Action sent March 18, 2008, it does not appear that the rejections under 35 U.S.C. 103(a) or the response to previous arguments have been based on the grounds of "common knowledge" in the art. Thus, as it appears no Official Notice has been taken, an accompanying affidavit is not required.
 - b. Appearing in the last paragraph of page 7 in the response filed June 17, 2008, applicant asserts, "Here, the Examiner's rejections should be reversed because the cited references do [not] teach or suggest any "known problem for which there was an obvious solution encompassed by the patent's claims." As, pointed out by applicant's citation of case law, obviousness of a claim is not exclusively dependent on whether there is a known problem for which there was an obvious solution encompassed by a claim. This test is only one way of determining obviousness and as stated in the Office Action sent March 18, 2008, the Examiner relies on other grounds to determine obviousness.

c. Appearing in the second and third paragraph of page 8 in the response filed June 17, 2008, applicant asserts that the scope and content of GRANT and MATSON does not suggest a configuration that includes all of the recitations of either claim 1 or 42. However, this argument is not persuasive and the scope and content of GRANT in combination with MATSON is clearly cited in the Office Action sent March 18, 2008 which read on the claimed limitations of claims 1 and 42.

d. Starting on page 8 of the response filed June 17, 2008, applicant argues 3 points regarding the rejections of claim 1. Firstly, applicant argues that the combination of GRANT and MATSON fails to teach or suggest “individual fluorine generating cassettes being operably connected to a fluorine gas distribution system for the remote use and consumption of said fluorine gas.” In the previous Office Actions, the examiner has relied on GRANT teaching that the discharge pipe 5 is the “fluorine gas distribution system”. The claimed, “gas distribution system” is interpreted to include any system in which gas may be distributed, or transferred, from one point to another. As consistent with the Examiner’s interpretation of GRANT’s discharge pipe 5 reading on the claimed “gas distribution system”, GRANT’s FIGURE discloses electrolyte from cells 8, which contain fluorine gas, can be transferred to holding tank 12, back to holding tank 1, and then pumped through pipe 5 again (see arrows in FIGURE). Thus, the discharge pipe 5 of GRANT, which is structurally capable of transferring electrolyte containing fluorine gas for use, reads on the claimed “gas distribution system”. Secondly, applicant argues that the combination of GRANT and

MATSON fails to teach or suggest "fluorine generating cassettes being individually isolatable from said gas distribution system". In the previous Office Actions, the examiner relies on the control valves 9 of GRANT to isolate the cassettes from the gas distribution system. As consistent with this rationale, it is interpreted that control valves 9 can either permit flow to electrolyte cells 8 or constrict flow to electrolyte cells 8. Thus, each cell can be individually constricted, or isolated, of electrolyte flow, which in turn is circulated through tank 12 to tank 1 and through the gas distribution system 5 of GRANT and thus reads on the claims "cassettes being individually isolatable from said gas distribution system". Lastly, applicant argues that the combination of GRANT and MATSON fails to teach or suggest, "fluorine generating cassettes being individually ...removable from the apparatus for remote maintenance". Applicant argues that the combination of GRANT and MATSON only suggest removal of electrodes for maintenance, and also claims the examiner acknowledges that only the electrodes are removed for maintenance. However, in view of applicant's originally filed specification on January 19, 2005, applicant defines on page 7 lines 19-33, that a "fluorine cassette" is "an individual fluorine generating unit" which is defined as "a single cell insofar as that unit has effectively one cathode and one anode". Thus, the combination of GRANT and MATSON suggest the individual removal of the electrodes, which is interpreted to be a cathode and anode in order for proper operation, reads on the claims "fluorine generating cassettes being individually...removable from the apparatus for remote

maintenance" since fluorine cassettes are constituted as such if it includes a cathode and anode.

e. Appearing as argument sections C. and D. on page 12 in the response filed June 17, 2008, applicant argues the similar arguments, as for claim 1, for claim 42 and dependent claims which have been addressed above.

f. Appearing on page 12 of the response filed on June 17, 2008, applicant argues for the rejection of claim 25 that the examiners rejection which relies on GRANT, MATSON, ROSENBERG, and REINHARDY does not teach or suggest a "valve mechanism includes a double isolated valve having a space configured to remove fluorine gas prior to removal of said fluorine generating cassette".

However, these arguments are not persuasive since they are not directed to the current set of claims. Applicant then argues that REINHARDT does not teach a "vacuum extraction and scrubbing system". However, these arguments are also not persuasive since they are also not directed to the current set of claims.

g. Appearing on page 13 of the response filed June 17, 2008, applicant argues for the rejection of claims 26 and 32 that since TOJO discloses one cell, rather than cassettes, that the combination of GRANT, MATSON, and TOJO fail to teach or suggest cassettes installable within a common apparatus. However, this argument is not persuasive since in the Office Action sent March 18, 2008, the examiner relies on TOJO to teach an enclosure to control the atmosphere within the enclosure and states it would have been obvious to enclose the structure of GRANT and MATSON with the enclosure of TOJO. The enclosure of TOJO is not exclusively limited to devices comprising only one cell and the

motivation to combine would still exist whether one or a plurality of cells where present within the enclosure as the combination of GRANT and MATSON already discloses a plurality of cassettes.

h. Appearing on page 14 in the response filed June 17, 2008, applicant argues for the rejection of claim 34 that the cathode of GRANGE and the cathode of the present invention have different functions. However, this argument is not persuasive since one of ordinary skill whom is designing cathodes, would have been motivated to look at other designs of cathodes, including designs with different functions because it is expected that one of ordinary skill would have explored the known options within his or her technical grasp. Furthermore, the functionality of the two different cathodes does not exclusively limit the motivation to ground a cathode, as disclosed by GRANGE, to only apply to cathodes for electron guns. As stated in the Office Action sent March 18, 2008, GRANGE does indeed disclose a cathode that is grounded (GRANGE: column 3, line 23-33).

i. Appearing on page 14 in the response filed June 17, 2008, applicant argues for the rejection of claims 35 and 36 that the purification and buffer cassette of GREEFKES has a different function and does not teach a container having chemical traps and filter for removing unwanted material from the fluorine gas output. However, these arguments are not persuasive since they are not directed to the current set of claims. Furthermore, as stated in the Office Action sent March 18, 2008, functional and intended use limitations which do not further delineate the structure from the prior art are given no patentable weight.

j. Appearing on page 15 in the response filed June 17, 2008, applicant argues for the rejection of claim 38 the drainage pipe of REINHARDT serves a different function than the purge pipe of the current invention. However, these arguments are not persuasive. The claimed "purging means" is interpreted to include any piping that is structurally capable of riding impurities. Thus, the drainage pipe of REINHARDT, that is structurally capable of ridding impurities, reads on the current claim. Furthermore, functional and intended use limitations which do not further delineate the structure from the prior art are given no patentable weight.

k. Appearing on page 16 in the response filed June 17, 2008, applicant argues for the rejection of claim 43 that PALMER only teaches scaling up or turning off cells to match the change in demand and thus, does not teach or suggest the cells having a capacity that can meet the total demand by less than a total number of fluorine cassettes. However, these arguments are not persuasive. Applicant asserts that the claims "total demand" does not vary, however the "total demand" is not claimed as such and the claimed term "total demand" is interpreted to include a predetermined demand of fluorine at a given time. PALMER discloses a demand in which if that demand drops, then a cell can be turned off to meet the new lower demand and if raised, a cell could be turned on to meet the new higher demand. For example, if the PALMER system had three cells in which a "total demand" was for 66% production, it would only take two of the three cells to run to have a capacity to meet the "total demand".

Art Unit: 1795

/PATRICK RYAN/

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